

Application/Control Number: 09/922,363  
Art Unit: 2877

Attorney Docket  
No.:  
CM 080201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Manning, ) Group Art Unit: 2877  
                  Christopher J. )  
                  )  
Serial No.: 09/922,363 ) Examiner: Patrick J. Connolly  
                  )  
Filed on: Aug. 2, 2001 )  
                  )  
For: FOURIER-TRANSFORM ) SEP 26 2005  
                  SPECTROMETERS )  
                  )  
                  )

RENEWED PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR 1.313(c) (2)

September 26, 2005 Via Fax: (571) 273-0025

Office of Petitions  
P.O. Box 1450  
Alexandria, VA 22313-1450

To Whom it May Concern:

The Applicant submits the following renewed petition to withdraw from issue:

- 1. Transmittal Form (PTO/SB/21);**
  - 2. Credit card payment form;**
  - 3. Renewed petition to withdraw from issue as reflected on page 2  
of this paper;**
  - 4. Copy of Decision on Petition**

Respectfully submitted,

09/27/2005 AKELLEY 00000008 09922363  
01 FC:1464 130

Christopher J. Manning  
Inventor/Applicant

**FAX RECEIVED**

SEP 26 2005

**OFFICE OF PETITIONS****Renewed Petition to Withdraw from Issue**

The applicant respectfully requests withdrawal of application number 09/922,363 from issue until preliminary amendments have been approved and made. A Request for Continued Examination was filed on 22 August 2005, together with a preliminary amendment and petition for withdrawal from issue. A second preliminary amendment was filed on 21 September 2005. The petition was dismissed on 23 September 2005 because payment was not included with the filing. The present filing rectifies the oversight.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	<b>09/922,363</b>
Filing Date	<b>Aug 2, 2001</b>
First Named Inventor	<b>CHRISTOPHER MANNING</b>
Art Unit	<b>2877</b>
Examiner Name	<b>PATRICK J. CONNOLY</b>
Attorney Docket Number	<b>CM#802#1</b>

<b>ENCLOSURES (Check all that apply)</b>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosures (please identify below):
<b>FAX RECEIVED</b> <b>SEP 26 2005</b>		
<b>OFFICE OF PETITIONS</b>		
<b>Remarks</b> <i>6 pages total to 571-273-0025</i>		

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Firm Name	<i>N/A</i>		
Signature	<i>Christopher Manning</i>		
Printed name	<i>CHRISTOPHER MANNING</i>		
Date	<i>26 September 05</i>	Reg. No.	<i>N/A</i>

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Christopher Manning</i>		
Typed or printed name	<i>CHRISTOPHER MANNING</i>		
	Date	<i>26 Sept 05</i>	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CHRISTOPHER MANNING  
419 S. MAIN STREET  
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TROY, ID 83871

COPY MAILED

SEP 23 2005

OFFICE OF PETITIONS

In re Application of :  
Christopher J. Manning :  
Application No. 09/922,363 :  
Filed: August 2, 2001 : DECISION ON PETITION  
Attorney Docket No. CM 080201 : UNDER 37 CFR 1.313(c)(2)  
: :

This is a decision on the petition, filed August 22, 2005, which is being treated as a petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is DISMISSED.

The petition is accompanied by a request for continued examination, filing fee of \$790, and a preliminary amendment. However, the correspondence is not accompanied by the required \$130 petition fee. Note 37 CFR 1.17(h).

No consideration on the merits of the petition can be given until petitioner submits the \$130 fee for the petition to withdraw from issue. Any reconsideration of this decision should be accompanied by a letter entitled "Renewed Petition under 37 CFR 1.313(c)(2)." Petitioner is advised that a grantable petition to withdraw from issue must be filed prior to the issuance of this application. The renewed petition and fee should be facsimile transmitted directly to the Office of Petitions at 571-273-0025. A form is available on the USPTO website for paying by credit card.

Petitioner is further advised that, since different matters are considered by different branches of the Office, the amendment and petition should be submitted in a separate paper. Note 37 CFR 1.4(c).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand:  
Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions<sup>1</sup>

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

*Frances Hicks*  
Frances Hicks  
Petitions Examiner  
Office of Petitions

571 - 272-3208  
571 - 272-3204

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<sup>1</sup> This is the central facsimile transmission number for the US Patent and Trademark Office.

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